

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 07-2008(DSD/JJG)

John Earl Lock,

Plaintiff,

v.

ORDER

Warden C. Holinka,
Associated Warden D. Dubbs,
H.S.A. J. Anderson, P.A.-C.K.
Peterson, N.P.-C.M. Boettger,
P.A. G. Carrasca, E.M.T. T.
Krautbauer, E.M.T. C. Mead,
M.A. Gray, M.D. sued in their
individual and official capacities,
M.D. J. Dey,

Defendants.

This matter is before the court upon plaintiff John Earl Lock's pro se objections to the report and recommendation of Magistrate Judge Jeanne J. Graham dated July 30, 2008. In her report, the magistrate judge recommends that plaintiff's Eighth Amendment claim regarding the denial of an MRI and medication be dismissed with prejudice; Federal Tort Claims Act and Eighth Amendment claims regarding denial of medical treatment other than an MRI and medication be dismissed without prejudice; motions for discovery from Dr. Dey, to show cause and for injunctive relief be denied; motion for assistance from the court be denied as moot; and that the action be dismissed in its entirety.

The court reviews the report and recommendation of the magistrate judge de novo. 28 U.S.C. § 636(b)(1)(C); D. Minn. LR

72.2(b). Plaintiff objects to the report and recommendation on several grounds but provide no apposite legal authority that supports his contentions. The court finds that the report and recommendation of the magistrate judge is well reasoned and correctly disposes of defendants' and plaintiff's motions. Therefore, the court adopts the report and recommendation of the magistrate judge [Doc. No. 71] in its entirety.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Defendants' motion to dismiss or for summary judgment [Doc. No. 32] is granted.
2. Plaintiff's Federal Tort Claims Act claim is dismissed without prejudice;
3. Plaintiff's Eighth Amendment claim regarding the denial of an MRI and medication is dismissed with prejudice;
4. Plaintiff's Eighth Amendment claim regarding the denial of medical treatment other than an MRI and medication is dismissed without prejudice;
5. Plaintiff's motion for discovery from Dr. Dey [Doc. No. 47] is denied;
6. Plaintiff's motion to show cause and for injunctive relief [Doc. No. 62] is denied;
7. Plaintiff's motion for assistance from the court [Doc. No. 66] is denied as moot;

8. The action is dismissed in its entirety.

LET JUDGMENT BE ENTERED ACCORDINGLY

Dated: August 26, 2008

s/David S. Doty
David S. Doty, Judge
United States District Court